

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FILED

04 MAY 2010

Marvin Anderson ,

Petitioner,

-against-

United States,

Respondent.

09 CV 8215

ORDER

GEORGE B. DANIELS, District Judge:

Petitioner moves to Vacate, Set Aside, or Correct his Sentence pursuant to 28 U.S.C. § 2255 on the grounds of ineffective assistance of counsel. The Supreme Court in Strickland v. Washington, 466 U.S. 668 (1984), established the test courts use to evaluate ineffective assistance of counsel claims. Strickland requires that a “criminal defendant asserting that counsel is constitutionally deficient meet both a performance test, showing that counsel’s representation fell below an objective standard of reasonableness, and a prejudice test, demonstrating that there is a reasonable probability that, but for counsel’s unprofessional errors, the result of the proceeding would have been different.” Palacios v. Burge, 589 F.3d 556, 561 (2d Cir. 2009) (internal citations and quotations omitted). Petitioner has failed to meet both tests.

Petitioner’s Motion to Vacate, Set Aside, or Correct his Sentence is denied. Petitioner’s motion for default judgment, request for an extension of time to file a reply to the Government’s response submitted April 16, 2010, and any continued request for appointment of counsel are denied as moot.

Dated: May 4, 2010
New York, New York

SO ORDERED:

George B. Daniels
GEORGE B. DANIELS
United States District Judge